

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00173

FREDDIE LINDSEY BADGER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 19, 2019, the United States of America appeared by Christopher R. Arthur, Assistant United States Attorney, and the defendant, Freddie Lindsey Badger, appeared in person and by his counsel, L. Thompson Price, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a one-year (1) year term of supervised release in this action on April 12, 2019, with the special condition of the first six (6) months in a residential reentry center, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on February 28, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed violations of law in that he failed to spend the first six (6) months at Dismas Charities inasmuch as he arrived at the residential reentry center on April 13, 2019, and was terminated on May 30, 2019, as a program failure after multiple rule violations; and (2) the defendant unlawfully possessed a controlled substance inasmuch as on August 7, 2019, while incarcerated, he tested positive for marijuana and admitted to the probation officer that he had smoked one "blunt" of marijuana on July 31, 2019, while in the South Central Regional Jail in Charleston, West Virginia; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

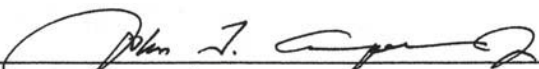
imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a) (1) (B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 20, 2019



John T. Copenhaver, Jr.
Senior United States District Judge